

Senate File 2426 - Introduced

SENATE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2331)
(SUCCESSOR TO SSB 3016)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the judicial branch including the assessment
2 and collection of fees and fines, filings and records kept by
3 the clerk of the district court, the regulation and
4 certification of shorthand reporters, making appropriations to
5 offset costs, and providing an effective date.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 5469SZ 82
8 jm/rj/5

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1 1 Section 1. Section 321.236, subsection 1, unnumbered
1 2 paragraph 2, Code Supplement 2007, is amended to read as
1 3 follows:

1 4 Parking meter, snow route, and overtime parking violations
1 5 which are ~~denied~~ contested shall be charged and proceed before
1 6 a court the same as other traffic violations. Filing fees and
1 7 court costs shall be assessed as provided in section 602.8106,
1 8 subsection 1 and section 805.6, subsection 1, paragraph "a"
1 9 for parking violation cases. ~~Parking violations which are~~
~~1 10 admitted.~~

1 11 Sec. 2. Section 321.236, subsection 1, paragraphs a and b,
1 12 Code Supplement 2007, are amended to read as follows:

1 13 a. ~~May~~ Parking violations which are uncontested shall be
1 14 charged and collected upon a simple notice of a fine payable
1 15 to the city clerk, ~~if authorized by ordinance~~. The fine for
1 16 each violation charged under a simple notice of a fine shall
1 17 be established by ordinance. The fine may be increased by
1 18 five dollars if the parking violation is not paid within
1 19 thirty days of the date upon which the violation occurred, ~~if~~
~~1 20 authorized by ordinance~~. Violations of section 321L.4,
1 21 subsection 2, ~~may shall~~ be charged and collected upon a simple
1 22 notice of a one hundred dollar fine payable to the city clerk,
~~1 23 if authorized by ordinance~~. ~~No costs~~ Costs or other charges
1 24 shall not be assessed. All fines collected by a city pursuant
1 25 to this paragraph shall be retained by the city and all fines
1 26 collected by a county pursuant to this paragraph shall be
1 27 retained by the county, except as provided by an agreement
1 28 between a city and a county treasurer for the collection of
1 29 fines pursuant to section 331.553, subsection 8.

1 30 b. ~~Notwithstanding any such ordinance, may be prosecuted~~
~~1 31 under the provisions of sections 805.7 to 805.13 or as any~~
~~1 32 other traffic violation.~~

1 33 Sec. 3. Section 331.302, subsection 2, Code 2007, is
1 34 amended to read as follows:

1 35 2. ~~A~~ For a violation of an ordinance a county shall not
2 1 provide a penalty in excess of ~~a five hundred dollar the~~
2 2 maximum fine or in excess of thirty days and term of
2 3 imprisonment for the violation of an ordinance a simple
2 4 misdemeanor under section 903.1, subsection 1, paragraph "a".
2 5 The criminal penalty surcharge required by section 911.1 shall
2 6 be added to a county fine and is not a part of the county's
2 7 penalty.

2 8 Sec. 4. Section 331.302, subsection 4A, paragraph a,
2 9 subparagraph (2), Code 2007, is amended to read as follows:

2 10 (2) A portion of the Code of Iowa may be adopted by
2 11 reference only if the criminal penalty provided by the law
2 12 adopted does not exceed ~~thirty days the maximum fine and term~~
2 13 of imprisonment and a five hundred dollar fine for a simple
2 14 misdemeanor under section 903.1, subsection 1, paragraph "a".

2 15 Sec. 5. Section 364.3, subsection 2, Code 2007, is amended
2 16 to read as follows:

2 17 2. ~~A For the violation of an ordinance a city shall not~~
2 18 ~~provide a penalty in excess of a five hundred dollar the~~
2 19 ~~maximum fine or in excess of thirty days and term of~~
2 20 ~~imprisonment for the violation of an ordinance a simple~~
2 21 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~

2 22 An amount equal to ten percent of all fines collected by
2 23 cities shall be deposited in the account established in
2 24 section 602.8108. However, one hundred percent of all fines
2 25 collected by a city pursuant to section 321.236, subsection 1,
2 26 shall be retained by the city. The criminal penalty surcharge
2 27 required by section 911.1 shall be added to a city fine and is
2 28 not a part of the city's penalty.

2 29 Sec. 6. Section 364.22, subsection 4, unnumbered paragraph
2 30 1, Code 2007, is amended to read as follows:

2 31 An officer authorized by a city to enforce a city code or
2 32 regulation may issue a civil citation to a person who commits
2 33 a municipal infraction. ~~The A copy of the~~ citation may be
2 34 served by personal service as provided in rule of civil
2 35 procedure 1.305, by certified mail addressed to the defendant
3 1 at the defendant's last known mailing address, return receipt
3 2 requested, or by publication in the manner as provided in rule
3 3 of civil procedure 1.310 and subject to the conditions of rule
3 4 of civil procedure 1.311. A copy of the citation shall be
3 5 retained by the issuing officer, and ~~one copy the original~~
3 6 ~~citation~~ shall be sent to the clerk of the district court.

3 7 The citation shall serve as notification that a civil offense
3 8 has been committed and shall contain the following
3 9 information:

3 10 Sec. 7. Section 380.10, subsection 2, Code 2007, is
3 11 amended to read as follows:

3 12 2. A portion of the Code of Iowa may be adopted by
3 13 reference only if the criminal penalty provided by the law
3 14 adopted does not exceed ~~thirty days' the maximum fine and term~~
3 15 ~~of imprisonment and a five hundred dollar fine for a simple~~
3 16 ~~misdemeanor under section 903.1, subsection 1, paragraph "a".~~

3 17 Sec. 8. Section 602.1302, subsection 3, Code 2007, is
3 18 amended to read as follows:

3 19 3. A revolving fund is created in the state treasury for
3 20 the payment of jury and witness fees, mileage, costs related
3 21 to ~~providing information to, supporting, and~~ summoning jurors
3 22 by the judicial branch, and attorney fees paid by the state
3 23 public defender for counsel appointed pursuant to section
3 24 600A.6A. The judicial branch shall deposit any reimbursements
3 25 to the state for the payment of jury and witness fees and
3 26 mileage in the revolving fund. In each calendar quarter the
3 27 judicial branch shall reimburse the state public defender for
3 28 attorney fees paid pursuant to section 600A.6B.

3 29 Notwithstanding section 8.33, unencumbered and unobligated
3 30 receipts in the revolving fund at the end of a fiscal year do
3 31 not revert to the general fund of the state. The judicial
3 32 branch shall on or before February 1 file a financial
3 33 accounting of the moneys in the revolving fund with the
3 34 legislative services agency. The accounting shall include an
3 35 estimate of disbursements from the revolving fund for the
4 1 remainder of the fiscal year and for the next fiscal year.

4 2 Sec. 9. Section 602.3101, subsection 2, Code 2007, is
4 3 amended by striking the subsection and inserting in lieu
4 4 thereof the following:

4 5 2. The supreme court shall appoint an administrator to
4 6 manage the functions of the board.

4 7 Sec. 10. Section 602.3106, subsection 2, Code 2007, is
4 8 amended by striking the subsection and inserting in lieu
4 9 thereof the following:

4 10 2. The fees collected shall be used to offset the expenses
4 11 of the board, including the costs of administering the
4 12 examination.

4 13 Sec. 11. Section 602.8104, subsection 2, Code 2007, is
4 14 amended by adding the following new paragraph:

4 15 NEW PARAGRAPH. k. A record book of certificates of
4 16 deposit, not in the clerk's name, which are being held by the
4 17 clerk on behalf of a conservatorship, trust, or an estate
4 18 pursuant to a court order as provided in section 636.37.

4 19 Sec. 12. Section 602.8105, subsection 1, Code Supplement
4 20 2007, is amended by adding the following new paragraph:

4 21 NEW PARAGRAPH. aa. For filing a tribal judgment, one
4 22 hundred dollars.

4 23 Sec. 13. Section 602.8106, subsection 1, paragraph c, Code
4 24 Supplement 2007, is amended to read as follows:

4 25 c. For filing and docketing a complaint or information or

4 26 uniform citation and complaint for parking violations under
4 27 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
4 28 ~~eight twenty-five~~ dollars, effective January 1, ~~2004~~ 2009.
4 29 ~~The court costs in cases of parking meter and overtime parking~~
~~4 30 violations which are denied, and charged and collected~~
~~4 31 pursuant to section 321.236, subsection 1, or pursuant to a~~
~~4 32 uniform citation and complaint, are eight dollars per~~
~~4 33 information or complaint or per uniform citation and complaint~~
~~4 34 effective January 1, 1991.~~

4 35 Sec. 14. Section 602.10108, Code 2007, is amended to read
5 1 as follows:
5 2 602.10108 FEES.
5 3 1. ~~The board supreme court~~ shall set the fees for
5 4 examination and for admission. The fees for examination shall
5 5 be based upon the annual cost of administering the
5 6 examinations. The fees for admission shall be based upon the
5 7 costs of conducting an investigation of the applicant and the
5 8 administrative costs of sustaining the board, ~~which shall~~
~~5 9 include but shall not be limited to:~~

- 5 10 1. ~~Expenses and travel for board members and temporary~~
- 5 11 ~~examiners.~~
- 5 12 2. ~~Office facilities, supplies, and equipment.~~
- 5 13 3. ~~Clerical assistance.~~
- 5 14 2. Fees shall be collected by the board and transmitted to
5 15 the treasurer of state who shall deposit the fees in the
5 16 general fund of the state the board and used to offset the
5 17 costs of administering this article.

5 18 Sec. 15. Section 626D.3, Code Supplement 2007, is amended
5 19 by adding the following new subsection:
5 20 NEW SUBSECTION. 3A. For filing a tribal judgment, the
5 21 clerk of the district court shall collect the fee set out in
5 22 section 602.8105, subsection 1.

5 23 Sec. 16. Section 636.37, Code 2007, is amended to read as
5 24 follows:

- 5 25 636.37 DUTY OF CLERK.
- 5 26 1. The clerk of the district court with whom any deposit
5 27 of funds, moneys, or securities shall be made, as provided by
5 28 any law or an order of court, shall enter in a book, to be
5 29 provided and kept for that purpose, the amount of such
5 30 deposit, the character thereof, the date of its deposit, from
5 31 whom received, from what source derived, to whom due or to
5 32 become due, if known.
- 5 33 2. A separate book shall be maintained for all
5 34 certificates of deposit not in the name of the clerk of the
5 35 district court that are being held by the clerk on behalf of a
6 1 conservatorship, trust, or estate. The book shall list the
6 2 relevant details of the transaction, including but not limited
6 3 to the name of the conservator, trustee, or executor, and
6 4 cross references to the court orders opening and closing the
6 5 conservatorship, trust, or estate.

6 6 Sec. 17. Section 805.8A, subsection 1, paragraph a, Code
6 7 2007, is amended to read as follows:

- 6 8 a. For parking violations under sections 321.236, 321.239,
6 9 321.358, 321.360, and 321.361, the scheduled fine is five
6 10 dollars, except if the local authority has established the
6 11 fine by ordinance ~~pursuant to section 321.236, subsection 1.~~
6 12 The scheduled fine for a parking violation pursuant to section
6 13 321.236 increases by five dollars, ~~as if authorized by~~
6 14 ~~ordinance pursuant to section 321.236, subsection 1, and if~~
6 15 the parking violation is not paid within thirty days of the
6 16 date upon which the violation occurred. For purposes of
6 17 calculating the unsecured appearance bond required under
6 18 section 805.6, the scheduled fine shall be five dollars, or if
6 19 the amount of the fine is greater than five dollars, the
6 20 unsecured appearance bond shall be the amount of the fine
6 21 established by the local authority ~~pursuant to section~~
~~6 22 321.236, subsection 1.~~ However, violations charged by a city
6 23 or county upon simple notice of a fine instead of a uniform
6 24 citation and complaint ~~as permitted~~ required by section
6 25 321.236, subsection 1, paragraph "a", are not scheduled
6 26 violations, and this section shall not apply to any offense
6 27 charged in that manner. For a parking violation under section
6 28 321.362 or 461A.38, the scheduled fine is ten dollars.

6 29 Sec. 18. EFFECTIVE DATE. The sections of this Act
6 30 amending sections 602.8105 and 626D.3 take effect January 1,
6 31 2009.

6 32 EXPLANATION
6 33 This bill relates to the judicial branch including the
6 34 assessment and collection of fees and fines, filings and
6 35 records kept by the clerk of the district court, the
7 1 regulation and certification of shorthand reporters, making

7 2 appropriations to offset costs, and providing an effective
7 3 date.

7 4 The bill removes the clerk of the district court from
7 5 collecting uncontested parking violation fines of a city or
7 6 county.

7 7 The bill provides that a violation of a city or county
7 8 ordinance may not exceed the maximum fine and term of
7 9 imprisonment for a simple misdemeanor under Code section
7 10 903.1. Current law specifies that a violation of a city or
7 11 county ordinance shall not exceed a \$500 fine or carry a term
7 12 of imprisonment in excess of 30 days.

7 13 Under the bill, when a violation of a municipal infraction
7 14 occurs and a civil penalty is assessed, a copy of the citation
7 15 shall be served on the defendant, and the original citation
7 16 shall be sent to the clerk of the district court. Current law
7 17 provides that a copy of the citation be sent to the clerk of
7 18 the district court.

7 19 The bill permits the distribution of funds from the jury
7 20 and witness fee revolving fund created in Code section
7 21 602.1302 for costs related to providing information to and
7 22 supporting potential jurors called for service. Under current
7 23 law the distribution of funds to jurors is limited to juror
7 24 fees, mileage, and costs related to summoning potential
7 25 jurors.

7 26 The bill authorizes the supreme court to appoint the
7 27 administrator for the board of examiners of shorthand
7 28 reporters. Current law designates the state court
7 29 administrator or a designee of the state court administrator
7 30 to act as administrator to the board.

7 31 The bill provides that the fees collected for shorthand
7 32 certification examinations shall be used to offset the
7 33 expenses of the board of examiners of shorthand reporters,
7 34 including the costs of administering the examination. Current
7 35 law provides that the state court administrator collect and
8 1 account for all the examination fees collected.

8 2 Under current law, the fees shall be based upon the annual
8 3 cost of administering the examinations and upon the
8 4 administrative costs of maintaining the board.

8 5 The bill provides that the clerk of the district court
8 6 shall keep a record book of certificates of deposit that have
8 7 not been issued in the name of the clerk but are being held by
8 8 the clerk on behalf of a conservatorship, trust, or an estate.
8 9 The bill also provides that the record book shall list the
8 10 relevant details of the transaction, including but not limited
8 11 to the name of the conservator, trustee, or executor, and
8 12 cross references to the court orders opening and closing the
8 13 conservatorship, trust, or estate. Current law provides the
8 14 clerk to provide a detailed accounting of all funds deposited
8 15 with the clerk pursuant to Code section 636.37.

8 16 The bill establishes a fee to be collected by the clerk of
8 17 the district court, effective January 1, 2009, in the amount
8 18 of \$100 for the filing of a tribal judgment. The distribution
8 19 of court fees collected by the clerk of the district court is
8 20 controlled by Code section 602.8108.

8 21 The bill increases the filing and docketing fee, effective
8 22 January 1, 2009, from \$8 to \$25 for a complaint, information,
8 23 or uniform citation and complaint for parking violations under
8 24 Code sections 321.236 (violations of local ordinances),
8 25 321.239 (violations of county ordinances), 321.358 (unlawful
8 26 parking in certain places), 321.360 (parking near theaters or
8 27 hotels), and 321.361 (additional parking regulations).

8 28 The bill also eliminates the assessment of court costs in
8 29 the amount of \$8 if a person challenges a parking violation
8 30 under Code section 321.236.

8 31 The bill transfers the authority to set fees for
8 32 examination and admission to practice law in Iowa from the
8 33 board of law examiners to the supreme court. The bill also
8 34 directs the fees collected for examination and admission be
8 35 used to offset the costs of administering the examination and
9 1 admission process to practice law. Current law requires the
9 2 examination and admission fees to be deposited into the
9 3 general fund of the state.

9 4 LSB 5469SZ 82

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